IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

CIVIL APPLICATION NO. 461 OF 2004
IN
SECOND APPEAL (ST) NO. 9544 OF 2004

Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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CORAM: P.V. KAKADE, J.

DATED: 5TH AUGUST, 2005

P.C.:

1. Heard learned counsel for both parties. Perused the record.

2. This is an application for condonation of delay of 43 days'. The application shows that the person who was looking after the proposed Society's litigation was ill during the relevant period and, therefore, appeal could not be filed in time. Perused the contents of para 7 of the application which show that said Mr. Sayyed was ill throughout the period due to which the delay was caused. It is true that the ground mentioned is not altogether satisfactory, however, it would be in the interest of justice to adjudicate the dispute on merits instead of short

circuiting it in this manner. Therefore, in view of the facts and circumstances, the application is made absolute in terms of prayer clauses (a) & (b) on condition that the cost of Rs.5,000/- to be paid to the respondent within two weeks from today. The appeal to be placed for admission after two weeks.

Application stands disposed of.

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